

08-24-01

A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: Y001-00041A

Prior Application Examiner:
Trinh, B.

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Prior Application Serial No.:
08/974,404

Filed: November 19, 1997

Titled: **HALOGENATED
PACLITAXEL DERIVATIVES**

Applicants: **Ramesh C. Pandey and
Luben Yankov**

Prior Group Art Unit: 1625

EXPRESS MAIL MAILING LABEL

NUMBER EJ549755822US

DATE OF DEPOSIT August 23, 2001

**REQUEST FOR FILING CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(B)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/974,404 filed November 19, 1997 entitled "Halogenated Paclitaxel Derivatives".

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/974,404 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in



08938041-032301

the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 08/974,404.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

☒ 2. Enclosed is a check in the amount of \$463.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below

CLAIMS AS FILED IN THE PRIOR APPLICATION

LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee-----				\$355.00
Total Claims	52 - 20 =	12 X	\$9.00 =	\$108.00
Independent Claims	1 - 3 =	0 X	\$0.00 =	\$-0-.00
Multiple Dependent Claim(s)-----				\$-0-.00
TOTAL FILING FEES:				\$463.00

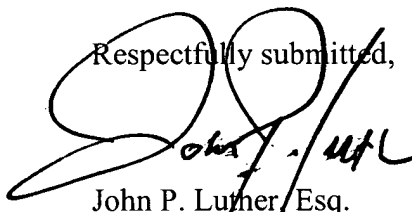
106280" TH08E660

- ☒ 3. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☐ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application.
- ☒ 5. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 6. Address all future communications to:
- John P. Luther, Esq.
Xechem, Inc.
100 Jersey Avenue
Building B, Suite 310
New Brunswick, NJ 08901
(732) 247-3300
- ☒ 7. The prior application is presently assigned to Xechem, Inc.
- ☐ 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 9. Cancel in this application claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

FOE200" T-10BEE660

- ☒ 10. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. 08/974,404 filed November 19, 1997.
- ☐ 11. Enclosed are formal drawings.
- ☐ 12. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449
- ☐ (b) Copies of IDS citations
- ☐ 13. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed , for use in this application. 37 C.F.R. § 1.821(e).
- ☐ 14. Other: _ _ _ _ .
- ☒ 15. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



John P. Luther, Esq.
Reg. No. 32, 261
Attorney for Applicant

Xechem Inc.
100 Jersey Avenue
Building B, Suite 310
New Brunswick, NJ 08901
(732) 247-3300

Date: August 22, 2001